

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Manmohan Ahluwalia,

Plaintiff,

-against-

Zaika Food Company LLC, Mandeep Oberoi, and Pooja
Patel,

Defendants.

ANALISA TORRES, District Judge:

USDC SDNY
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19 Civ. 10940 (AT)

ORDER

The Court has reviewed Plaintiff's supporting materials for default judgment at ECF Nos. 27–28, 30. The Court concludes that the materials wholly fail to comply with Attachment A to the Court's Individual Practices in Civil Cases. For example, Attachment A requires an "affidavit or declaration signed by a party with personal knowledge" (emphasis added). Plaintiff submitted an affidavit signed by his attorney, who is not a party with personal knowledge. ECF No. 28.

Accordingly, by **July 7, 2021**, Plaintiff shall re-submit materials for default judgment in accordance with Attachment A to the Court's Individual Practices.

Plaintiff is reminded that, under Rule 41(b) of the Federal Rules of Civil Procedure, an action may be dismissed "[i]f the plaintiff fails to prosecute or to comply with [the Federal Rules] or a court order" and that "[d]ismissal is warranted where there is a lack of due diligence in the prosecution of the lawsuit by [the] plaintiff." *West v. City of New York*, 130 F.R.D. 522, 524 (S.D.N.Y. 1990). This is the Court's third warning that Plaintiff's lack of due diligence will result in dismissal of this action. ECF Nos. 22, 24.

SO ORDERED.

Dated: July 1, 2021
New York, New York



ANALISA TORRES
United States District Judge